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49

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| 10/646,991      | 08/21/2003  | Kendyl A. Roman      |                     | 1131             |

7590 06/28/2006  
Kendyl A. Roman  
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EXAMINER

PHAM, MICHAEL

ART UNIT PAPER NUMBER

2167

DATE MAILED: 06/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                               |                              |  |
|------------------------------|-------------------------------|------------------------------|--|
| <b>Office Action Summary</b> | Application No.<br>10/646,991 | Applicant(s)<br>ROMAN ET AL. |  |
|                              | Examiner<br>Michael D. Pham   | Art Unit<br>2167             |  |

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 August 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**Detailed Action**

1. Claims 1 - 20 have been examined.
2. Claims 1 - 20 are pending.
3. Claims 1 - 20 are rejected as detailed below.

***Priority***

The applicant has claimed domestic priority. Accordingly, the application has been examined with an effective filing date of 8/21/2002.

***Specification***

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: Claim 19 recites “wherein said server is operated by an Internet service provider providing services to a plurality of owners”; however the specification does not disclose internet service providers providing services.

***Claim Objections***

Claim 1 and 5 are objected to because of the following informalities: claim 1 recites “application can modified” and claim 5 recites “fro” examiner interprets as “application can be modified” and “fro” to be “from” respectively. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-4, 6-7, 9-14, 17-18, and 20 rejected under 35 U.S.C. 102(e) as being anticipated by U.S. patent application publication 2002/0092004 by Lee et. al. (hereafter Lee).

**Claim 1:**

A system for developing and maintaining a network based application wherein said application has a common look and feel, said system comprising:

- a. a database comprising data tables and storage [figure 1, discloses databases],
- b. a code generator interfacing with said database [0008-0009, discloses a design application that utilizes database],
- c. toolkit programs, stored in said database [0065, generator program creates stored procedure code within the generated database], comprising:
  - i. an application layer[0065, presentation controller classes],
  - ii. an interface layer[0065, presentation], and
  - iii. a core layer[0065, persistence controller classes]
- d. code definition files providing input to the code generator [0009, receives designs],
- e. data definition files for defining said data tables, wherein said code generator generates code for said application by processing code definition files, wherein said data definition files

Art Unit: 2167

configure said data tables to support said toolkit and said application, wherein said data tables comprise user data and operational data for said system, whereby the operation of a plurality of portions of said application can be modified by making a single modification to said code definition files [0063-0065, 0058, and 0068. Designer-specified directories and creation of databases. Presentation code, data code, and business code. Able to include modifications of the generated software application to add custom features not included by default through the use of the design program or generator program.].

**Claim 2:**

The system of claim 1, further comprising at least one document generator, wherein said document generator generates documentation of the design details of the system in at least one document format [0058, able to produce HTML document].

**Claim 3:**

The system of claim 1, wherein said network is the Internet [0033, internet].

**Claim 4:**

The system of claim 3, further comprising:

a. a web site, connected to the Internet, comprising:

i. a web server in communication with said toolkit [0072, web server accesses generated system files],

ii. a file system in communication with said toolkit[0064 and 0070, virtual directories, file directories],

b. at least one remote web browser running on a web browsing device connected to the Internet, wherein said system generates dynamic web pages base on data and programs stored in said database, whereby a user can interact with said application and view said web pages [0066, 0057, 0094, web browser template files, and dynamic reports in html].

**Claim 6:**

The system of claim 4, wherein the system generates web pages for a plurality of formats[0087, generates web documents for different languages].

**Claim 7:**

The system of claim 6, wherein said format is for a conventional web browser[0066, web browser template files. 0087, html].

**Claim 9:**

The system of claim 4 further comprising a predetermined set of code definition files and data definition files, wherein said set of definition files provides a fully functional web site, comprising:

- a. default data tables [0046, default values for defined entities],
- b. user interface pages[0058, html],
- c. graphics[0056, contains images],

d. toolkit programs providing commonly needed features, such as user accounts, password management, web site administration, billing, and security, whereby a substantially robust web site application is provided without modification of said definition files [0065, 0081, user management functions.].

**Claim 10:**

The system of claim 9 wherein said predetermined set of files provides a working example of how to generate an application such as said robust website application, wherein said working example provides a starting point for developing a substantially different application by modification of said definition files [0056, theme selection].

**Claim 11:**

The system of claim 1 wherein said code generator, said data database, and the interface and operation of said application can be customized by modifying said code definition files and data definition files [0068, modification of the generated software application to add custom features not included by default through the use of the design program or the generated program. (i.e. uses direct modification of design programs or the generated program to customize)].

**Claim 12:**

The system of claim 1 wherein said database contains the structure for said data tables and the data stored in said tables [0064, database on database server includes tables, indices, relationships etc.].

**Claim 13:**

The system of claim 1 wherein one of said application layer, said interface layer, and said core layer can be changed without changing the remaining two layers, whereby such change results in a difference in said application [0068, customizing results in a difference in application.].

**Claim 14:**

The system of claim 13 wherein said interface layer defines a plurality of looks and feels whereby one look and feel can be changed though out the entire application without changing the remaining looks and feels and without changing the application layer [0056, theme selection, able to change options of interface, but able to keep default].

**Claim 17:**

The system of claim 13 wherein said application layer defines the operation of the application, whereby changing the application layer results in a different functional application [0068, customizing changes results in an application.].

**Claim 18:**

The system of claim 13 wherein said database contains a plurality of customizations that result in a plurality of substantially different applications, and wherein the core layer defines the operation of the system itself, whereby changing the core layer results in providing system wide functionalities that affect all applications [0068, customizing applications, modification of the



generated software application to add custom features not included by default through the use of design programs or the generator program.].

**Claim 20:**

In a system comprising of a web server, a database, a toolkit, and an application code generator, a method of producing custom web sites with substantially different looks and operations for diverse business disciplines comprising the steps of:

- a. defining data in data definition files [0035-0036, prompts designer for elements],
- b. specifying code in code definition files[0008-0009, discloses a design application that utilizes database],
- c. generating data tables based on said data definition files [0064, database creation],
- d. generating code based on said code definition files [0068, adds custom features based on written code files.],
- e. storing said generated code in said database along with said toolkit [0065, stored procedure code within database], and
- f. modifying data stored in said database associated with at least one of said web sites, whereby said system will dynamically generate web pages for at least one of said websites having a substantially different look or operation than at least one other of said websites[0084, 0086, 0056, 0035, Able to modify and store the design elements and further dynamically create web pages. Further able to add an operation that is different, 0068.].

Art Unit: 2167

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication 2002/0092004 by Lee et. al. (hereafter Lee) as applied to claim 1-4, 6-7, 9-15, 17-18, and 20 above, and further in view of U.S. Patent Application Publication 20040015476 by Twaddle (hereafter Twaddle).**

**Claim 5:**

However, Lee does not explicitly disclose further comprising a second web browser being viewed by a second user, wherein said web pages can be customized for specific users, such that the dynamic web page generated for the first user is different than the dynamic web page generated from the second user.

On the other hand, Twaddle discloses, 0008, multiple types of user specific web-pages, being those user specific web-pages wherein the information thereon does not change, being static web-pages, user specific web-pages wherein the information content only changes periodically, and can therefore be considered semi-static, and finally user specific web-pages wherein the

information content can change in real time, and therefore the web-page can be considered to be dynamic.

Both inventions are disclose a method of web-page generation. It would have been obvious to one of ordinary skill to have modified Lee to have included a second web browser being viewed by a second user, wherein said web pages can be customized for specific users, such that the dynamic web page generated for the first user is different than the dynamic web page generated fro the second user. A skilled artisan would have been motivated to do so in order to provide user specific data to user accounts. In this case it would provide user specific interfaces to user accounts that lee discloses.

**Claim 8 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication 2002/0092004 by Lee et. al. (hereafter Lee) as applied to claim 1-4, 6-7, 9-15, 17-18, and 20 above, and further in view of U.S. Patent Application Publication 2002/0129096 by Mansour et. al. (hereafter Mansour).**

**Claim 8:**

Lee does not explicitly disclose wherein said format is for a mobile device, such as a mobile phone or personal digital assistant. On the other hand, Mansour discloses wap phones, 0008. All inventions are directed towards user interfaces applications. It would have been obvious to one of ordinary skill at the time the invention was made to have modified Lee to have included a WAP format based on the disclosure of Mansour. A skilled artisan would have been motivated to do so for the purpose of providing more portability for the current application.

**Claim 19:**

The system of claim 18, further comprising at least one Internet server configured for hosting a substantially large number of applications, wherein said server is operated by an Internet Service Provider providing services to a plurality of application owners, whereby each of said application owners share a common application or core layer and is provided a custom look and feel for their specific application by customization of the data in the database that affects the interface [Mansour, 0056 settings for the appearance. 0074 discloses application server.].

**Claim 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication 2002/0092004 by Lee et. al. (hereafter Lee) in further view of U.S. Patent Application Publication 2002/0129096 by Mansour et. al. (hereafter Mansour) and U.S. Patent Application Publication 20040015476 by Twaddle (hereafter Twaddle).**

**Claim 15:**

Lee does not explicitly disclose wherein different formats are generated by the toolkit for display on different web browsing devices, whereby one said change results in changing the look and feel of what is displayed on a plurality of web browsing devices. On the other hand Mansour discloses wireless application protocol format as well as html format, 0008. All inventions are directed towards user interface applications. It would have been obvious to one of ordinary skill

Art Unit: 2167

in the art at the time the invention was made to have modified Lee to have included different formats are generated by the toolkit for display on different web browsing devices based on the disclosure of Mansour. A skilled artisan would have been motivated to do so for the purpose of providing more portability. More portability provides a wider audience to utilize the developed application.

Furthermore, Twaddle discloses, 0008, multiple types of user specific web-pages, being those user specific web-pages wherein the information thereon does not change, being static web-pages, user specific web-pages wherein the information content only changes periodically, and can therefore be considered semi-static, and finally user specific web-pages wherein the information content can change in real time, and therefore the web-page can be considered to be dynamic.

All inventions are disclose a method of user interface applications. It would have been obvious to one of ordinary skill to have modified Lee and Mansour to have included one said change results in changing the look and feel of what is displayed on a plurality of web browsing devices based on the disclosure of Twaddle. A skilled artisan would have been motivated to do so in order to provide updated information for user specific data.

**Claim 16:**

Lee does not explicitly disclose wherein one of said plurality of web browsing devices support the WAP format. On the other hand, Mansour discloses wireless application protocol format,

Art Unit: 2167

0008. All inventions are directed towards user interfaces applications. It would have been obvious to one of ordinary skill at the time the invention was made to have modified Lee to have included a WAP format based on the disclosure of Mansour. A skilled artisan would have been motivated to do so for the purpose of providing more portability for the current application.

### *Conclusion*

The prior art made of record listed on PTO-892 and not relied, if any, upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael D. Pham whose telephone number is (571)272-3924.

The examiner can normally be reached on Monday - Friday 9am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cottingham can be reached on 571-272-7079. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Michael Pham  
Art Unit 2167  
Examiner

Debbie Le  
Art Unit 2168  
Primary Examiner

DL


Application/Control Number: 10/646,991

Page 14

Art Unit: 2167

6/21/2006

6/21/2006

A handwritten signature in black ink, appearing to read 'John Cottingham', with a long, sweeping horizontal stroke extending to the right.

John Cottingham

Art Unit 2167

Supervisor

6/21/2006